



January 14, 2025

Via Electronic Filing

Hon. James B. Clark, III, USMJ
United States District Court
District of New Jersey
U.S. Courthouse
50 Walnut Street, Room 2060
Newark, New Jersey 07102

Re: Matthew Penso v. Bombardier Transportation (Holdings) USA, Inc., et al.
Docket No: 23-474 (SDW)

Dear Judge Clark,

This letter is submitted on behalf of Plaintiff, Matthew Penso (“Plaintiff”), outlining the current status of Plaintiff’s attempts to comply with the Court’s Order dated December 17, 2024.

As the Court will recall, Plaintiff has been directed to produce his responsive work emails on or before January 17, 2025. Plaintiff is making diligent efforts, with the aid of a third-party e-discovery vendor, to produce responsive documents. Unfortunately, Plaintiff’s work email account contains in excess of two hundred thousand (200,000) emails, each of which requires the individual attention of Plaintiff’s counsel in order to ensure the maintenance of applicable privilege and a determination of responsiveness to the Court’s Order.

Despite the hardship imposed by such a review on a relatively tight deadline, Plaintiff has made substantial efforts to comply, including but not limited to the extraction of his work email account to the aforementioned outside vendor and the ongoing review of several thousands of said emails. However, due to the voluminous nature of this review, Plaintiff respectfully requests that this Court extend his time to effectuate full compliance with the Court’s Order until such time as Plaintiff’s counsel is able to fully vet the responsive emails. Despite Plaintiff’s ongoing efforts, and due to the interconnected nature of Plaintiff’s business communications, this office has been unable to ascertain the full extent of potentially privileged communications. While Plaintiff fully intends to comply with the Court’s Order in its entirety, it is respectfully requested that the

Plaintiff's time to do so be enlarged to accommodate the scope of the undertaking by an additional thirty (30) days, thereby extending Plaintiff's deadline for compliance to February 17, 2025.

Plaintiff further requests that the telephone status conference in this matter, currently scheduled for February 6, 2025, be advanced to the Court's earliest available date so that we may more fully explain Plaintiff's efforts to comply with the Court's Order. Plaintiff is making every reasonable effort to comply with the Court's directives and makes this request only out of absolute necessity.

We contacted the Defendants' counsel in an attempt to obtain their consent for the within request earlier today. Defendants' counsel responded with questions which we responded to. We have not heard anything further from Defendants' counsel.

The Court's attention to this matter is greatly appreciated. Plaintiff's counsel is available for a conference at the Court's convenience.

Very truly yours

/s Brian J. Vannella

Brian Vannella, Esq.

cc: All Counsel of Record (via ECF)